

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LISA GREGG,

Plaintiff,

v.

Case No. 18-cv-766-pp

NANCY A. BERRYHILL,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 2) AND ORDERING THE
PLAINTIFF TO PAY THE FILING FEE BY A DATE CERTAIN**

On May 18, 2018, the plaintiff filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No.1. The plaintiff also filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 2.

In order to allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff has the ability to pay the filing fee, and if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts presented in the plaintiff's affidavit, the court concludes that she has the ability to pay the filing fee. The plaintiff's affidavit indicates that she has been unable to work since April 2012 due to her medical situation. Dkt. No. 2 at 3. She states that she has income of \$8,333 per month from her husband's wages/salary. *Id.* at 2. She states that she has income of

\$17,000 paid over a five-year period from her parents, to “help . . . with unexpected debt.” Id. The plaintiff also indicates that she has two foster children, but she does not list any income received for their care. Id. at 1, 2.

The plaintiff says that she had to provide support of “\$300+” for a son and two foster sons—a total of some \$900. Id. at 1. She lists a mortgage of \$680, a car payment of \$1,100 a month (a rather shocking amount), \$800 a month for groceries and clothing, “utilities \$60, 120, \$600,” “sports \$600/kid,” and “cell phone \$120 internet.” Id. at 2. She also lists \$30 a month for a Cpap machine. These expenses amount to some \$6,200--\$2,333 less than the monthly income she lists, not including the debt help she receives from her parents.

The plaintiff owns a home worth “\$165,000+” with equity of approximately \$98,300, and has \$300 in a checking account. Id. at 3. While she indicates that she has thousands of dollars in medical bills, credit card balances totaling \$17,500 and total debt of over \$40,000, and “big” household items that need to be replaced to the tune of \$3,000, it appears that the plaintiff has sufficient monthly disposable income to pay the \$350 filing fee and \$50 administrative fee.

The court **DENIES** the plaintiff’s motion for leave to proceed without prepaying the filing fee. Dkt. No. 2. The court **ORDERS** that by the end of the day on **July 13, 2018**, the plaintiff shall pay to the Clerk of Court for the Eastern District of Wisconsin the sum of \$400. If the plaintiff does not pay the

full \$400 by the end of the day on July 13, 2018, the court will dismiss the case for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 8th day of June, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge